REMARKS

Status of the Application

Claims 1-20 are pending in the application. The Information Disclosure Statement filed on September 5, 2008 has been considered by the Examiner. Claims 1-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kowno et al. (US Patent 7,154,544).

Claim Rejections - 35 U.S.C. § 102(e)

Claims 1-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kowno et al. (US Patent 7,154,544).

Claim 1 recites, in part, "a control section which controls preview image display, and which, if the ON state of the instruction section is continuingly detected after the image capture instruction, controls such that the captured image is displayed at the display section during the ON state and which, if an instruction is issued by the input section during this ON state, controls a change of size of a display object region of the captured image that is to be displayed at the display section." The Examiner alleges that Kowno discloses each of the elements of claim 1. Applicant respectfully disagrees.

Kowno discloses a digital camera which includes a zoom operation, the zoom operation being capable of magnifying or reducing an image size of an image displayed on a display screen. The zoom operation may be performed regardless of whether the image is supplied from the memory or from the photoelectric conversion element. However, neither of these images anticipate the "preview image display" and the "captured image" recited in claim 1. When the image is supplied from the memory, it is a stored image, not a preview image. When the image is supplied from the photoelectric conversion element, it is not a "captured image". Rather, the image data supplied from the photoelectric conversion element is provided to allow the user to

confirm the object being photographed prior to a capture operation. The zoom operation disclosed in Kowno may thus be applied 1) prior to capture, or 2) after storage. Claim 1, on the other hand, allows for a change of size of a display object region of the captured image after capture, but before storage. Therefore, Kowno fails to disclose each of the elements of claim 1. Claim 1 should be patentable over the applied art.

Though the Examiner relies on the operation of an image capture, zoom switch (or pen) to teach the feature of claim 1, there is no teaching in Kowno that the sequence described would ever occur in the cited art. Thus, the rejection is based on speculation and thus improper. Moreover, it is clear in Kowno that activation of a reproduction mode 7B is what allows previously recorded data to be reproduced, and thus zoomed. Col. 4, lines 26-29. Therefore, the zooming would follow activation of the switch 7B and not the continuous ON state of the instruction section as claimed.

A significant feature of claim 1 is that the captured image captured by pressing the instruction section is displayed while the instruction section is continuously pressed. Thus, a user can display the captured image as long as the instruction section is continuously pressed. That is, a user can confirm (preview) the captured image for a desired time, and even change the scale of the displayed captured image during that time (see the first full paragraph on page 2 of the specification). See new claim 22.

Kowno fails to disclose the above feature. Kowno only discloses that a recorded image displayed on a LCD 6 can be zoomed by a zoom button 15 (col. 13, lines 32-34). The recorded image is an image recorded in a memory card 24, and it can be displayed on the LCD 6 by pressing a thumbnail image displayed on the LCD 6 by a pen 41 (see col. 4, lines 27-28 and col.

12, lines 24-29). Further, Kowno fails to disclose that the display period of the captured (preview) image can be changed depending on the pressing period of the instruction section.

Further, another significant feature of claim 1 is that while the digital camera is on, the image capture section continues displaying a through image on the LCD 22, and when the release switch 22 is pressed (to ON) for image capture action, a still image is captured (after capturing, the captured still image can be continuingly displayed and resized if desired), and when the release switch 22 is released (to OFF), the display on the LDC 22 returns to the through image (see Figs. 3-4 and the related descriptions in the specification). Thus, a user can return to an image capture action swiftly after confirmation of the captured still image. See new claim 23.

Claims 7 and 12 recite limitations similar to claim 1, and are patentable for reasons analogous to claim 1. Claims 2-6, 8-11 and 13-20 are patentable at least by virtue of their respective dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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